

Notice of Allowability

Application No.

10/053,010

Examiner

Paul A Baker

Applicant(s)

ACHARYA ET AL.

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 20 September 2004.
2. ☒ The allowed claim(s) is/are 1,2,4-7 and 10-26.
3. ☒ The drawings filed on 18 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment to the specification coincides exactly to the previously submitted figures without the addition of any extraneous information. As such, the amended specification does not constitute new matter and the examiner accepts entry of the amended specification.

Applicant states that iSCSI specifies the standard adopted by The Internet Engineering Task Force (IETF), and as such iSCSI is not a trademark. In addition applicant speculates that the office will reject the request for the trademark of ISCSI. Examiner accepts this specified difference (the capitalized vs. non-capitalized versions), and since the applicant intends that iSCSI refers specifically to the standard adopted by IETF, the examiner has withdrawn his rejection of his claims on the basis of 35 USC §112 2nd paragraph's prohibition of the use of trademarks within a claimed invention.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Louis Herzberg (Reg. No. 41,500) on 23 November 2004.

Attorney was contacted to rectify issues regarding antecedent basis.

Page and line numbers are as provided by amendment filed 20 September 2004.

The application has been amended as follows:

Page 3, line 16 (claim 1), substitute —wherein said step of accessing— with “wherein said step of associating”.

Page 5, line 4 (claim 10), substitute —wherein said step of accessing— with “wherein said step of associating”.

Page 6, line 3 (claim 12), substitute —wherein said step of accessing— with “wherein said step of substituting”.

Page 9, line 10 (claim 20) remove second comma and second period.

Allowable Subject Matter

Claims 1, 2, 4-7,10-26 are allowed.

The following is an examiner's statement of reasons for allowance:

In regards to independent claims 1 and 10-18, none of the prior art discloses access of virtual iSCSI results in forming TCP/iSCSI connections between the host and one or more physical LUNs without terminating said TCP/iSCSI connection at an intermediate gateway between said host and said device in combination with the other specified claim limitations. In other words, a connection made between a host and a storage target using TCP/iSCSI does not have any intervening gateways. Since this limitation is present in all independent claims, all claims currently under consideration are found allowable over the prior art of record.

Art Unit: 2188

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A Baker whose telephone number is (571)272-4203. The examiner can normally be reached on M-F 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PB

Mano Padmanabhan
11/29/04

MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER